

REMARKS

The Office Action dated November 2, 2006 has been received and carefully studied.

Without prejudice, and reserving the right to file divisional applications with respect thereto, claims 1-6 and 13-14 have been cancelled by the accompanying amendment.

The Examiner rejects claim 7-12 under 35 U.S.C. §112, first paragraph, as lacking enablement. By the accompanying amendment, the claims have been amended to recite an effective amount for reducing plaque formation rather than "inhibiting" plaque formation. It is believed that the amendment overcomes the rejection.

The Examiner rejects claims 7, 8, 10 and 11 under 35 U.S.C. §103(a) as being unpatentable over McNamara, et al., U.S. Patent No. 5,223,248.

McNamara discloses a chemically modified tetracycline for inhibiting plaque formation on tooth surfaces such as by brushing with toothpaste containing the chemically modified tetracycline. By the accompanying amendment, claims 7 and 10 have been amended to recite that the tetracycline is not chemically modified. Support for the amendment can be found in the penultimate paragraph on page 3 of the specification, for example.

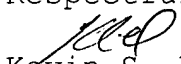
The chemically modified tetracyclines of McNamara are modified to eliminate antimicrobial activity. This is completely contrary to and teaches away from the present invention, which requires that the tetracycline have antimicrobial activity. Accordingly, McNamara does not disclose or suggest the invention as now claimed.

The Examiner also rejects claims 7-12 under 35 U.S.C. §103(a) as being unpatentable over Wu et al., WO 2004/093876A2. Wu et al. disclose the combination of berberine and an antibiotic to treat diseases and conditions of the mouth, teeth and gums such as gingivitis and dental caries.

The compositions of Wu et al. include, as a necessary component, berberine in order to potentiate the antimicrobial action of the antibiotic. Wu et al. do not disclose or suggest brushing teeth with a composition comprising at least about 35% alcohol and a plaque formation reducing effective amount or a tooth decay reducing effective amount of a tetracycline that has not been chemically modified in a liquid vehicle as is now claimed.

Reconsideration and allowance are respectfully requested in view of the foregoing.

Respectfully submitted,


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